

## REMARKS/ARGUMENT

### Rejection Based on 35 USC 102(e)

The Examiner has made final the rejections based on U.S. Patent Number 6,517,575 to Yang (hereinafter "Yang"). The Examiner has rejected Applicant's arguments that the references fail to show certain features of Applicant's invention because the missing elements are not recited in the rejected claim(s). However, this is not an accurate statement, and Applicant respectfully argues that the elements are recited within the claims. For example, Claim 76 recites in part that the natural state of the element, the "natural or unrestrained state is slightly larger than the intended inner diameter of the vessel." This shows that the element is not only intended to result in occlusion, but that the element is *structurally* capable of achieving occlusion because of the physical characteristics of the element, i.e. its structure. Therefore, Applicant reiterates the argument that the Yang invention is not capable of achieving the desired result of Applicant's invention because the Yang invention does not disclose a structure capable of achieving the desired result. This fact serves as evidence that there exists significant differences in structure that would preclude a finding of anticipation based on 35 USC §102.

Additionally, this is not a case where Applicant is seeking to read limitations from the specification into the claims. With regard to the expandable materials recited in claim 76, the specification discloses what those materials actually comprise. If multiple materials were disclosed, some capable of occlusion and others that were not, the Examiner's assertion would have increased merit. However, as this is not the case,

Applicant asserts that the claims recite elements that when read in light of the specification are disclosed with sufficient particularity so as to differentiate the materials from those disclosed by Yang.

With respect to claim 77, Applicant first notes that because of the dependency on claim 76, claim 77 will also be sufficiently different from the disclosure of Yang so as to preclude anticipation.

#### Rejection based on 35 USC 103

The Examiner argues that the addition of the U.S. Patent No.6,458,152 to Khosravi, et al. (hereinafter "Khosravi"). If Khosravi fails to include the expandable filler material, the combination of Yang and Khosravi will do nothing to correct the deficiencies noted above in the Yang disclosure. The same reasoning is also applicable to the additions of U.S. Patent No. 6,042,605 to Martin (hereinafter "Martin") and U.S. Patent No. 6,428,571 to Lentz, et al. (hereinafter "Lentz"). The addition of these patents to Yang will not render Applicant's invention obvious when Yang fails to disclose elements that are significantly different in structure and operation from that of Applicant.

#### Conclusion


Applicant submits that based on these new arguments the previously submitted claims and accompanying amendments are patentably distinct from the referenced prior art citations. As such, reconsideration and further examination are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required for this response, including petitions for extension of time, or credit any overpayment to Deposit Account No. 120115.

Applicant has made a diligent effort to place the new claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Patrick D. Archibald, Applicant's Attorney at (617) 720-0091 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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